

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
OCT 21 2014
DAVID J. MALAND, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

versus

NICHOLAS JOSEPH ROTUNDO

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CRIMINAL ACTION NO. 4:14-CR-166

PRE-TRIAL ORDER

This case is reset for **Final Pre-Trial Conference** on December 15, 2014, at 10:00 a.m. in Courtroom #208, United States Courthouse, Sherman, Texas, at which time dates for **Jury Selection** and **Trial** will be determined. Counsel shall be prepared to commence jury selection and trial the following day and continuing thereafter.

The following deadlines shall apply in this case.

November 10, 2014 Any motion for suppress evidence shall be filed with the court.

November 24, 2014 Any motion for continuance shall be filed with the court.

December 5, 2014 Counsel for the Government shall deliver to counsel for Defendant(s) proposed jury instructions.

November 28, 2014 By 4:00 PM The parties shall notify the Court of any signed plea agreement and factual basis for the plea. Notification shall be by telephone, fax or email. **After this deadline, no plea agreement will be honored by the court without good cause shown.**

December 8, 2014 If the parties do not notify the Court of a plea agreement as provided above, defense counsel shall deliver to counsel for the Government any additional jury instructions desired by Defendant(s). If two or more Defendants are represented by separate counsel, their submission must be made jointly.

December 9, 2014 Counsel for Defendant(s) and counsel for the Government shall confer to determine which jury instructions can be agreed upon.

December 9, 2014 Parties shall file any motions in limine.

December 10, 2014 Counsel for the Government and counsel for the Defendant(s) shall:

- A. Jointly file agreed upon instructions;
- B. Each file any proposed instructions that were not agreed upon, citing the authority for each instruction. (Any party seeking to file proposed jury instructions after the deadline may do so only with leave of Court.);
- C. Each file any objections to the other's proposed jury instructions. Objections must be written, specific, cite authority, and include any alternate instructions counsel deem more appropriate;
- D. Each file proposed voir dire questions;
- E. If counsel believes that a written response to a particular motion in limine is needed, file it;
- F. Each provide the court a list of witnesses, a list of exhibits anticipated to be introduced during trial, and a copy of each marked exhibit. All exhibits to be used for trial shall be pre-marked numerically and in succession. (Groups of exhibits pertaining to the same subject matter, such as photos of same scene, may, at counsel's discretion be numbered and lettered, i.e., 2a, 2b, 2c, etc.) Counsel shall provide the Court the original and two (2) copies of each list and marked exhibit.

Signed the 21st day of October, 2014.



Don D. Bush
United States Magistrate Judge